

REMARKS:

Claims 1 to 6 and 8 to 21 are pending. Claims 1, 3, 8 and 13 are the independent claims. Reconsideration and further examination are respectfully requested.

Amendments to Abstract

The abstract has been amended to correct minor informalities therein.

Claim Rejections

Claims 3 and 13 to 21 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,121,382 (Yang). Claims 1, 2, 4 to 6, and 8 to 12 were rejected under 35 U.S.C. § 103(a) over Yang in view of U.S. Patent No. 5,838,688 (Kadambi). Applicant respectfully traverses these rejections.

Discussion of Claims

Claims 3 and 13 to 21: Claims 3 and 13 are the independent ones of these claims and are reproduced below:

3. A method, including steps of  
at a first device coupled to a communication link, generating at least one first message over said communication link to a set of second devices, said one first message being disposed so that its receipt at said set of second devices causes said set of second devices to generate one or more second messages over said communication link in response thereto;  
monitoring receipt of said second messages at said first device;

at said first device, generating at least one third message over said communication link to said set of second devices, said one third message being generated in an attempt to interfere with communication on said communication link when said communication link is configured as half-duplex; and

determining whether or not a protocol mismatch exists between said first device and any of said set of second devices in response to whether or not said attempt to interfere succeeds.

13. A device, comprising:

a communication link to a set of second devices;

a processor that executes instructions; and

a memory storing the instructions including the steps of (a)

generating at least one first message over said communication link to said set of second devices, said one first message being disposed so that its receipt at said set of second devices causes said set of second devices to generate one or more second messages over said communication link, (b) monitoring receipt of said second messages, (c) generating at least one third message over said communication link to said set of second devices, said one third message being generated in an attempt to interfere with communication on said communication link when said communication link is configured as half-duplex, and (d) determining whether or not a protocol mismatch exists between said first device and any of said set of second devices in response to whether or not said attempt to interfere succeeds.

The art applied against claims 3 and 13, namely Yang, is not seen by Applicant to disclose or to suggest the foregoing features of these claims, at least with respect to “said one third message being generated in *an attempt to interfere* with communication on said communication link” and “determining whether or not a protocol mismatch exists between said first device and any of said set of second devices in response to *whether or not said attempt to interfere succeeds*” (emphasis added).

In more detail, the Office Action cites column 5, lines 16 to 44, of Yang as teaching this feature. Notes on the cited reference supplied by the Examiner indicated to

Applicant that the following portion of Yang was being equated with the recited “at least one third message”:

Once full duplex communication begins, the two participating stations continuously monitor the point-to-point communication link to ensure that both stations and the link continue to function properly to maintain full duplex communication.

Applicant acknowledges that such communication necessarily involves further messages sent between the stations. However, Applicant sees absolutely no mention that any of these messages are sent “in an attempt to interfere with communication on said communication link when said communication link is configured as half-duplex,” as required by claim 3.

First, no attempt to interfere is seen in the cited text. Second, the cited text specifically states that the link is functioning in full duplex. Thus, the messages cannot be “in an attempt to interfere ... when said communication link is configured as half-duplex.”

As further note on the cited reference supplied by the Examiner indicated to Applicant that the following portion of Yang was being equated with interrupting the communication link:

In case of a failure of one or both stations or other disruption of the link, each station reverts to half-duplex communication, thus allowing continuing communication through the link in a conventional manner.

While this text certainly contemplates that the link can be disrupted, Applicant sees absolutely no mention of attempting to interrupt or otherwise interfere with the link using a message.

In sum, the cited text does not appear to Applicant to disclose or even to suggest claim 3's feature of "said one third message being generated in *an attempt to interfere* with communication on said communication link."

Regarding the rest of Yang, column 9, lines 15 to 26, of Yang appears to Applicant to discuss use of test packets to determine if repeaters in a LAN can support full duplex (as opposed to half-duplex):

In other words, if the test packet encounters a repeater while traversing the LAN, the presence of which represents a barrier to establishing full duplex communication, the test packet will be extended to the minimum length by the repeater. Otherwise, the test packet will remain at its original sub-minimum length. Thus, a station which receives a REQUEST message that includes a test packet extended to the required minimum length will "know" that the test packet encountered a repeater and that full duplex communication cannot be supported by the communication path that the test packet followed.

Applicant notes, however, that these test packets do not appear to be intended to interfere with communication traversing the LAN. Rather, the packets are extended by repeaters that do not support full duplex mode. Thus, this portion of Yang also does not appear to Applicant to disclose or even to suggest claim 3's feature of "said one third message being generated in *an attempt to interfere* with communication on said communication link."

Applicant has reviewed rest of Yang and does not see anything therein that remedies these deficiencies.

Applicant submits that without sending a message in an attempt to interfere with communication on a communication link, Yang also cannot teach claim 3's feature of

“determining whether or not a protocol mismatch exists ... in response to whether or not said attempt to interfere succeeds.”

Applicant has also reviewed the other art applied by the Office Action against other claims in this case. Applicant sees nothing therein that remedies these deficiencies of Yang.

The foregoing arguments are equally applicable to claim 13's features of “said one third message being generated in *an attempt to interfere* with communication on said communication link” and “determining whether or not a protocol mismatch exists between said first device and any of said set of second devices in response to *whether or not said attempt to interfere succeeds*” (emphasis added).

For at least the foregoing reasons, reconsideration and withdrawal are respectfully requested of the rejection of claims 3 and 13, as well as of their dependent claims. Allowance of these claims also is requested.

Claims 1 to 6 and 8 to 12: Claims 1 and 8 are the independent ones of these claims and are reproduced below:

1. A method, including steps of  
at a first device coupled to a communication link, generating at least one first message to a set of second devices coupled to said communication link, said one first message being disposed so that its receipt at said set of second devices causes said set of second devices to generate one or more second messages in response thereto;  
determining a count of said second messages received at said first device;  
determining whether or not a protocol mismatch exists between said first device and any of said set of second devices, in response to said count of said second messages.

8. A device, comprising:  
a communication link to a set of second devices;  
a processor that executes instructions; and  
a memory storing the instructions including the steps of (a) generating at least one first message to said set of second devices coupled to said communication link, said one first message being disposed so that its receipt at said set of second devices causes said set of second devices to generate one or more second messages in response thereto, (b) determining a count of said second messages received at said device, and (c) determining whether or not a protocol mismatch exists between said device and any of said set of second devices, in response to said count of said second messages.

The art applied against claims 1 and 8, namely Yang and Kadambi, is not seen by Applicant to disclose or to suggest the foregoing features of these claims, at least with respect to “determining *whether or not a protocol mismatch exists* between said device and any of said set of second devices, in response to said count of said second messages” (emphasis added).

In more detail, the Office Action acknowledged that Yang does not teach this feature. The Office Action cited col. 3, lines 24 to 41, of Kadambi to remedy this deficiency of Yang.

The cited portion of Kadambi states the following:

According to one aspect of the present invention, a method in a network station connected to a shared network media comprises the steps of detecting collisions on the shared network media, detecting successful packet receptions on the shared network media, and *determining a first number of stations active on the shared network media by counting a second number of the successful packet receptions* beginning within a predetermined slot time following the respective detected collisions, wherein the network stations avoid collisions after the first and second numbers attain a prescribed relationship. The network station determines the number of active stations without the necessity of a repeater having auto-negotiation functions. Hence, a network station can cooperate with the network stations active on the shared network media to avoid

collisions when the counted second number, related to successful packet receptions after a detected collision, corresponds to the number of active network stations.

(Emphasis added.) As the emphasized portion of this text shows, the count of the “second number of the successful packet receptions” is used to determine “a first number of stations active on the shared network media.” This is entirely different from claim 1’s feature of “determining *whether or not a protocol mismatch exists* ... in response to said count of said second messages.”

Applicant has reviewed the rest of Kadambi and sees nothing therein that remedies the foregoing deficiencies of the applied art.

The foregoing arguments are equally applicable to claim 8’s features of “determining *whether or not a protocol mismatch exists* between said device and any of said set of second devices, in response to said count of said second messages” (emphasis added).

For at least the foregoing reasons, reconsideration and withdrawal are respectfully requested of the rejections of claims 1 and 8, as well as of their dependent claims. Allowance of these claims also is requested.

#### Request for Interview

If the Examiner does not find Applicant’s arguments to be persuasive, Applicant respectfully requests a telephonic interview with the Examiner, the Examiner’s supervisor Rupal D. Dharia, Applicant’s representative Dane C. Butzer, and Mr. Butzer’s supervising attorney at the Swernofsky Law Group, Steven A. Swernofsky.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dane C. Butzer". The signature is fluid and cursive, with the first name "Dane" being the most prominent.

Dane C. Butzer  
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